

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION FOR MEDIATION OF PARTIES' DISPUTE**

This ruling grants the motion brought by The Telephone Connection Local Services, LLC (TCLA), filed February 22, 2005, to provide for mediation of an interconnection-related dispute with Pacific Bell Telephone Company dba SBC California (SBC). The dispute involves the establishment of a Point of Interconnection (POI) under the terms and conditions of parties' interconnection agreement and the financial responsibility of each party to complete the interconnection. Parties have been unable to establish a POI and thereby proceed with interconnection.

In its motion, TCLA expresses its belief that the Commission, in its role as a mediator, can assist the parties in expeditiously reaching a resolution that is fair, reasonable, and nondiscriminatory without the necessity of a formal complaint. Accordingly, TCLA filed its motion pursuant to the dispute resolution process outlined in Decision 95-12-056, to have this dispute mediated.

In response to the motion dated September 19, 2005, SBC states that while parties have conducted several confidential settlement negotiations since the filing of TCLA's motion, no settlement has been reached. Nonetheless, SBC agrees that this dispute is a good candidate for mediation before an assigned Administrative Law Judge (ALJ).

Accordingly, the motion of TCLA is granted for Commission mediation of the dispute between the parties. Granting this motion is also consistent with Commission Resolution ALJ-185, dated August 15, 2005, "Expanding the Opportunities for Use of Alternative Dispute Resolution Processes at the Public Utilities Commission." Resolution ALJ-185 set forth a set of principles that establish the basic framework for the Commission's Alternative Dispute Resolution (ADR) program, and endorsed expanded use of ADR processes in variety of Commission proceedings.

Accordingly, mediation of the instant dispute shall be implemented in the following manner. Each of the contesting parties shall be contacted by a representative of the Commission's ALJ Division ADR process who will be appointed to act as a neutral third-party mediator to facilitate a mediated resolution of parties' dispute.

The assigned mediator will explain the ADR process available through the Commission to make sure both parties are fully informed concerning their options. The mediator will then confer with each of the parties to schedule the time and any other arrangements for the mediation session(s). At the conclusion of the mediation session(s), the mediator shall inform the assigned ALJ in this docket as to whether the dispute has been resolved, or what further action the parties choose to pursue.

In its response to the motion, SBC included confidential business-sensitive material, identified as Attachment A, which was filed under seal. The motion of SBC to file the confidential material under seal is hereby granted. Any information disclosed during the course of the mediation is confidential and shall not be disclosed to the assigned ALJ or any other persons, absent the consent of all parties.

IT IS RULED that:

1. The motion of The Telephone Connection Local Services, LLC (TCLA) for mediation of the instant dispute is hereby granted pursuant to the process outlined below.
2. A neutral third-party mediator shall be assigned to meet with the parties as a means of resolving the dispute, or at least narrowing and focusing the essential points of disagreement.
3. The assigned mediator will contact each of the parties to explain the dispute resolution process to be used, and schedule the time and any other arrangements for the mediation session(s).
4. At the conclusion of the mediation session(s), the mediator shall inform the assigned Administrative Law Judge (ALJ) as to whether the dispute has been resolved, or what further action the parties choose to pursue.
5. The motion of SBC California to file under seal the confidential portion of its response to the TCLA motion, identified as Attachment A, is hereby granted.
6. Any information disclosed during the course of the mediation is confidential and shall not be disclosed to the assigned ALJ or any other persons, absent the consent of all parties.

Dated December 9, 2005, at San Francisco, California.

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion for Mediation of Parties' Dispute on all parties of record in this proceeding or their attorneys of record.

Dated December 9, 2005, at San Francisco, California.

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.